

REMARKS

Claims 15 and 17-19 are pending in the application. New claim 20 has been added.

Claims 18 and 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, claim 18 is rejected because it recites a relief surface that is perpendicular to the moving direction, this feature asserted by the Examiner as not being disclosed in the specification. Claim 19 is rejected for reciting at least one tooth having a straight portion parallel to the bending line at its tip. The feature of claim 19 is shown in at least Fig. 4B, where teeth 3 and 5 have flat straight tips that are parallel to the bending line. New claim 20, which is modeled after claim 18, has been added to respond to the Examiner's rejection of claim 18. Claim 20 recites a *rake* surface that is perpendicular to the moving direction. This feature is shown in Figs. 1B, 2B, 3B and 6B and is believed to define over the cited references.

Claims 15 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Armstrong et al. or Clark. The Examiner's rejection is respectfully traversed. Claim 15 recites that the set teeth have pitches that are different from one another (i.e. require four different pitch lengths) and that the lengths of the bending lines are the same. None of the figures of Armstrong et al. show these features. Specifically, it is not believed that Fig. 3 of Armstrong et al. shows these features. A careful review of Fig. 3 shows teeth which appear to have more than one pitch length, but it is unclear whether there are four different pitch lengths as required by the claim. It is possible that although adjacent pitch lengths are different, the pitch lengths of non-adjacent teeth are the same and any pattern or lack thereof of pitch lengths is indiscernible from the figure. Therefore, the Examiner's assertion that Fig. 3 shows set teeth having different pitch lengths is not supported by Fig. 3.

Furthermore, the claim recites that the lengths of the bending line are the same for each tooth. Although Armstrong et al. recite that each of its teeth are "identical in shape" (col. 5, lines 45-50), it is unclear whether the teeth are the same size, particularly in view of Fig. 3 which appears to show teeth of different sizes. A comparison of the R1 and L2 teeth show different lengths (in the cutting direction), which would indicate different lengths for any collinear bending lines. Because the specification of Armstrong et al. fails to discuss the features of the

teeth shown in Fig. 3, and the drawings of the teeth in Fig. 3 appear to teach away from the present invention, the Applicant asserts that Armstrong et al. does not disclose the invention of claims 15 and 18.

Additionally, Clark does not disclose the invention as claimed. The claim recites that the lengths of the bending lines are the same and that the bending lines are collinear. Clark discloses teeth having different pitch, size, angle of bend and *rake angle* (col. 2, lines 3-20). In light of these differences, in particular each tooth's rake angle, it is unlikely that the length of the bending line for the teeth is the same. More precisely, any collinear bending line that extends through the teeth must have a different length for each tooth because of the different rake angles for each tooth. For this reason, the Applicant asserts that Clark does not disclose the invention of claims 15 and 18.

Claims 15 and 18 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark and Armstrong et al. The Examiner concedes that neither Clark nor Armstrong et al. positively disclose bending lines having the same length, but asserts that it would have been an obvious design choice to one skilled in the art to have bending lines of the same length as there is no disclosed criticality of the bending line length. The Applicant respectfully traverses the Examiner's rejection. The Examiner's attention is directed to page 2, paragraph 1 of the present application which states that by making the bending length of each set teeth substantially the same length, it is possible to make the bending resistance and spring back amount substantially constant. The importance of the length of the bending line as recited in the present application, refutes the Examiner's assertion that it lacks criticality and argues against the combination. Therefore, it is respectfully requested that the rejection of claims 15 and 18 be withdrawn.

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Clark or Armstrong et al. and further in view of Kolesh. The Examiner's rejection is respectfully traversed. As an initial matter, the claim recites a gullet having two round portions whose radii are the same. Kolesh does not disclose this feature. Furthermore, the Examiner states it would have been obvious to combine either Clark or Armstrong et al. with Kolesh because both round and flat gullet bottoms perform the same function of merely separating teeth. This is contrary to the teaching of Clark, which places considerable emphasis on variations in gullet depth, which

would be irrelevant if the gullet bottoms did nothing except separate teeth. In light of the teachings of Clark, nothing in any of the references would suggest combining Kolesh with either Clark or Armstrong et al. For the reasons cited above, it is respectfully requested that the rejection of claim 17 be withdrawn.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Clark or Armstrong et al. and further in view of Battersby. The Examiner's rejection is respectfully traversed. Battersby discloses a circular saw having a straight portion at the tip of its teeth. Because the saw is circular, its teeth are not bent outwards, as are the teeth in Clark and Armstrong et al. Therefore, the teeth of Battersby are not relevant to the teeth of Clark and Armstrong et al. and it would not have been obvious to combine Battersby with either of these references as stated by the Examiner. For this reason, it is respectfully requested that the rejection of claim 19 be withdrawn.

In view of the foregoing amendment, reconsideration of the application and allowance of claims 15 and 17-20, as now presented, are respectfully requested.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (000004-00634). In the event that a petition for an extension of time is required in either the present application or the parent application to render this Amendment timely, the Applicant herewith petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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